

REMARKS

In the Official Action mailed on **31 August 2005**, the Examiner reviewed claims 1-27. Claims 1-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Litzkow et al (*Checkpoint and Migration of UNIX Processes in the Condor Distributed Processing System*, hereinafter "Litzkow"), in view of Croix (USPub 2002/0100034, hereinafter "Croix").

Amendment to the specification

Specification was amended to fix a typographical error.

Rejections under 35 U.S.C. §102(b)

Claims 1-27 were rejected as being anticipated by Litzkow in view of Croix. Applicant respectfully points out that the combination of Litzkow and Croix does not teach a transparent system. The method taught by Litzkow requires **operating system support** and does not function without **access to application source code** (see Litzkow, page 4, first paragraph, and see Litzkow, page 8, second paragraph). The method taught by Croix requires applications to support the method taught by Croix (see Croix, page 4, paragraph [0041]). Additionally, the method must be tailored for each new application that is to use the method (see Croix, page 4, paragraph [0041]).

In contrast, the present invention **does not require assistance from the operating system** (see page 3, lines 12-14 of the instant application) and is applicable to **all executable code** (see page 6, lines 6-8 of the instant application). This is advantageous because the present invention is applicable to a greater number of systems and requires less effort to implement than the combination of Litzkow and Croix.

Accordingly, Applicant has amended independent claims 1, 10, and 19 to clarify that the present invention functions independently of the operating system


and the application source code. These amendments find support on page 3, lines 12-14, and page 6, line 6-8 of the instant application.

Hence, Applicant respectfully submits that independent claims 1, 10, and 19 as presently amended are in condition for allowance. Applicant also submits that claims 2-9, which depend upon claim 1, claims 11-18, which depend upon claim 10, and claims 20-27, which depend upon claim 19, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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